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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,820	09/17/2003	Gus Lopez	249768011US1	3436

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EXAMINER

AIRAPETIAN, MILA

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,820

Applicant(s)

LOPEZ ET AL.

Examiner

Mila Airapetian

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 8, 9 and 62-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 9 and 62-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1–3, 6, 8, 9, 62–71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher (US 6,411,960) in view of Walker et al. (hereinafter Walker) (US 6,415,264).

Claim 1. Fisher teaches a method of generating an information page in a computer system comprising:

providing an item classification/attribute mapping data structure that maps item classifications to attributes, each item classification mapping to a set of attributes specific to that item classification (col. 4, lines 55-67; col. 5, lines 1-15),

receiving a selection of an item classification (col. 9, lines 56-57);

identifying the set of attributes specific to the selected item classification by retrieving the set of attributes from the item classification/attribute mapping data structure col. 11, lines 1-8),

providing a display of an indication of the identified attributes (col. 11, lines 1-8),

receiving an input value for at least one attribute within the set of identified attributes (col. 8, lines 42-45; col. 11, lines 1-8);

However Fisher does not teach:

retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or

more identified attributes, and

analyzing the retrieved records to generate transaction price data for the item.

Walker teaches a method for determining a posting payment amount including retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes (col. 7, lines 1-19), and

analyzing the retrieved records to generate transaction price data for the item (col. 7, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher to include retrieving records of transactions for items that are classified within the selected item classification and that match the received input value of the one or more identified attributes and analyzing the retrieved records to generate transaction price data for the item, as disclosed in Walker, because it would encourage a seller to post an item for sale, especially at a reasonable price (col. 2, lines 27-29).

Claim 2. Walker teaches said method wherein the transaction price data includes a suggested bid price in an auction for an item (col. 11, lines 44-53).

Claim 3. Walker teaches said method wherein the records of transactions include records for both fixed-price sale and auction transactions (col. 10, lines 2-3).

Claim 6. Fisher teaches said method wherein the receiving of the selection of an item classification includes browsing through a browse category organization (col. 4, lines 6-10).

Claim 8. Fisher teaches said method wherein the receiving of the selection of an item classification includes browsing through an item classification organization (col. 4, lines 6-10).

Claim 9. Fisher appears to teach said method wherein the selected item classification is not a leaf classification of an item classification hierarchy.

Claim 62. Fisher teaches a method of generating an information page in a computer system comprising:

providing an item classification/attribute mapping data structure that maps item

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classifications to attributes, each item classification mapping to a set of attributes specific to that item classification (col. 4, lines 55-67; col. 5, lines 1-15),

receiving from a user a selection of an item classification based on a mapping of the selected item classification to an identified attribute associated with the selected item classification, providing to the user an indication of the identified attribute (col. 9, lines 56-57),

receiving from the user a specification of an identified attribute value associated with the item (col. 8, lines 42-45; col. 11, lines 1-8);

Fisher does not teach specifically teach that the identified attribute is a condition attribute.

Walker teaches a method for determining a posting payment wherein an attributes is a condition attribute (col. 3, lines 59).

Fisher also does not teach:

retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value, and

analyzing the retrieved records to generate transaction price data for the item.

Walker teach said method wherein retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value (col. 7, lines 1-19), and

analyzing the retrieved records to generate transaction price data for the item (col. 7, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher to include retrieving records of transactions for items that are classified within the selected item classification and that match the received condition value, and analyzing the retrieved records to generate transaction price data for the item, as disclosed in Walker, because it would encourage a seller to post an item for sale, especially at a reasonable price (col. 2, lines 27-29).

Claim 63. Walker teaches said method wherein the item is offered for sale in an auction (col. 11, lines 44-53).

Claim 64. Walker teaches said method wherein the item is offered for sale in a fixed price transaction (col. 11, lines 44-53).

Claim 65. Walker teaches said method wherein the item is not new (col. 3, lines 49-50).

Claim 66. Walker teaches said method wherein the item is used (col. 3, lines 49-50).

Claim 67. Walker teaches said method including suggesting to the user a price based on the generated transaction price data (col. 7, lines 24-40).

Claim 68. All of the limitations in claim 68 are closely parallel to the limitations of claim 62, analyzed above and are rejected on the same basis.

Claim 69. Walker teaches said method wherein the specified condition value is excellent (col. 7, lines 34).

Claim 70. Walker teaches said method wherein the specified condition value is fair (col. 7, lines 34).

Claim 71. The method of claim 68 wherein the specified condition value is good (col. 7, lines 34).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Mori et al. (hereinafter Mori) (US, 6,044,363).

Claim 4. The combination of Fisher and Walker teaches all the limitations of claim 4 except one of the attributes within the set of attributes relates to duration of a transaction.

Mori teaches a method for automatic auction wherein the product attribute includes the time limit for auction and scheduled auction end time (col. 5, lines 66-67; col. 6, lines 1-6).

It would have obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher and Walker to include one of the attributes within the set of attributes relates to duration of a transaction, as disclosed in Mori, because auction

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timing can be important to the seller's strategy when a seller wants to auction items before an end of a seasonal quarter (e.g. summer clothes), or before a holiday (e.g., Halloween costumes).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Ching (US 6,078,901).

Claim 5. The combination of Fisher and Walker teaches all the limitations of claim 5 including receiving a specification of attributes, except that said received attributes are to be served as x and y coordinates for a graph of the transaction price data.

Ching teaches a method for modeling prices in supply and demand environment wherein the obtained data is presented in a graph format (Figs. 5, 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher, Walker and Ching to that said received data (attributes) are presented in graph format, as disclosed in Ching, because it would advantageously simplify the understanding of said received data.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Boesjes (US 6,799,165).

Claim 7. The combination of Fisher and Walker teaches all the limitations of claim 7 except said method wherein the receiving of the selection of an item classification includes receiving a specification of keywords and identifying an item classification that matches the specified keywords.

Boesjes teaches a method for inventory, sale, and delivery of goods wherein the shopper may select a product category and enter keywords and other search parameters (col. 8, lines 51-52).

The motivation to combine Fisher, Walker and Boesjes would be to simplify a search for required data.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Fisher and Walker, as applied to claim 1 above, and further in view of Odom et al. (hereinafter Odom) (US 6,393,426).

Claim 10. The combination of Fisher and Walker teaches all the limitations of claim 10 except the selected item classification is within a non-hierarchical item classification organization.

Odom teaches a method for modeling, storing and transferring data wherein data items are organized in a non-hierarchical form (col. 6, lines 1-26).

It would have obvious to one of ordinary skill in the art at the time the invention was made to modify Fisher and Walker to include the selected item classification is within a non-hierarchical item classification organization, as disclosed in Odom, because in a non-hierarchical organization all data coexist in parallel together, at once completely distinguishable and separately accessible, yet at the same time totally aware of and sequentially relatable to all other data items to which they are related (col. 6, lines 33-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mila Airapetian
Examiner
Art Unit 3625

ma



Jeffrey A. Smith
Primary Examiner